



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

MAR 22 2010

PROMPT REPLY NECESSARY
CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Computer History Museum
Attn: Dan'l Lewin, President and Chief Executive Officer
1401 N. Shoreline Blvd.
Mountain View, CA 94043

Re: Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), PROTECO Site, Peñuelas, Puerto Rico

Dear Mr. Lewin:

The United States Environmental Protection Agency ("EPA") is charged with responding to releases or threatened releases of hazardous substances, pollutants, and/or contaminants into the environment, and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 ("CERCLA"), also known as the "Superfund" law. For your information, a copy of the Superfund law may be found at www.epa.gov/superfund.

EPA has documented the release or threatened release of hazardous substances into the environment at the PROTECO Site ("the Site"), which is located at Road 385, Km 4.4, Bo. Tallaboa, Peñuelas, Puerto Rico. The Site is the location of a former hazardous waste treatment, storage, and disposal facility ("TSDF"). Operations at the TSDF began in 1975 under the name Servicios Carbareon, Inc.; in 1985, the name was changed to Protección Técnica Ecológica Corp. (i.e., "PROTECO"), which was succeeded by Resources Management, Inc. doing business as PROTECO. During its years of operation, the TSDF accepted a variety of wastes from multiple sources, including electroplating sludge, wastewater treatment plant sludge, slurries, petroleum wastes, pesticide wastes, and pharmaceutical and manufacturing wastes. Historical records indicate that PROTECO accepted hazardous waste from Digital Equipment Corporation facilities located in Puerto Rico.

In November 1980, PROTECO submitted a Part A Permit Application pursuant to the Resource Conservation and Recovery Act ("RCRA"), thus entering interim status. In 1987, EPA and PROTECO entered into a consent decree stipulating that PROTECO would perform injunctive

relief with respect to RCRA violations. In November 1997, after it became apparent that PROTECO had continued to violate RCRA regulations and provisions of the original consent decree, EPA and PROTECO entered into an amended consent decree requiring the TSDF to meet RCRA closure and post-closure care requirements. PROTECO conducted closure of waste units from November 1997 to February 1999 and conducted some post-closure maintenance but stopped performing post-closure care altogether sometime between 2001 and 2009. Since then, EPA inspectors have confirmed that PROTECO is not maintaining the Site and is out of compliance with post-closure care provisions of the amended consent decree.

On May 17, 2018, the Site was proposed to be added to the "National Priorities List," EPA's list of releases and potential releases of hazardous substances, pollutants, and contaminants that appear to pose the greatest threat to public health, welfare, and the environment, established under Section 105(a) of CERCLA, 42 U.S.C. § 9605(a). In response to these releases and threatened releases, EPA has spent public funds and EPA anticipates spending additional public funds at the Site. The Site has not yet been finalized on the National Priorities List.

REQUEST FOR INFORMATION

This letter seeks your cooperation in providing information and documents relating to the contamination of the Site. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information **within 21 calendar days** of your receipt of this letter.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority to require persons to provide the following: information and/or documents relating to materials generated, treated, stored, or disposed of at, or transported to a facility; the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility; and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the attached Request for Information is required by law. In preparing your response to this Request for Information, please follow the instructions provided in Attachment A.

When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return and/or scan and email that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in Attachment A, including the required support of your claim of confidentiality.

If you have information about other parties who may have information that may assist EPA in its investigation of the Site, or may be responsible for the material stored or disposed of at the Site, that information should be submitted within the time frame noted above. Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, you must promptly notify EPA and turn over the additional or different information to EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information, which we encourage you to submit electronically, should be sent to the following:

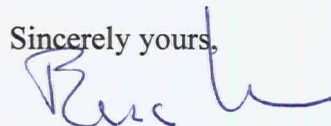
Andrea Leshak, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
leshak.andrea@epa.gov

and to:

Zolyamar Luna
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
#48 Rd 165, km 1.2
Guaynabo, Puerto Rico 00968-8069
luna.zolyamar@epa.gov

If you have any questions regarding this letter, or would like to discuss the matter with EPA, you may call Ms. Luna at (787) 977-5844 or email her at the email address listed above. Please direct all inquiries from an attorney to Ms. Leshak at (212) 637-3197 or at the email address listed above. We appreciate your attention to this matter and look forward to your prompt response to this letter.

Sincerely yours,



Eric J. Wilson
Deputy Director for Enforcement and Homeland Security
Emergency and Remedial Response Division

Enclosures

ATTACHMENT A

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

DIRECTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Request for Information. For each question contained in **Attachment B** of this letter, if information responsive to this Request for Information is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to you will be considered non-compliance with this Request for Information. Whenever in this Request for Information there is a request to identify a natural person or an entity, state, among other things, the person or entity's full name and present or last known address.
4. Identify Sources of Answers. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reason for your belief.
6. Documents. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion. If a document is requested but is not available, state the reason for its unavailability.
7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request for Information, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA. If after submitting your response, you discover that information you submitted is incorrect, it is necessary that you promptly notify EPA and correct such information.

8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Part 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:
- a. the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would be likely to result in substantial harmful effect on your business's competitive position and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all responses and any related documents you assert to be confidential. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if applicable, after which the information need no longer be treated as confidential. Please submit in separate envelopes both a clean and a redacted version of any documents or response for which you make a claim of confidentiality.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA Contractor. Information that you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. Pursuant to 40 C.F.R. Part 2.310(h), private contractors must sign a

contractual agreement that prohibits the disclosure of such information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.

10. Personal Privacy Information. Personnel and medical files and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
11. Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "Company" shall mean Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico and its predecessors and successors, as they were or currently are named and constituted, and all subsidiaries, divisions, affiliates, and branches.
3. The term "documents" includes any written, recorded, computer-generated, visually, or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
4. The term "entity" or "entities" refers to persons, individuals, companies, partnerships, or any other type of business association.
5. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known employer, business address, and business telephone number, as well as the present or last known home address and home telephone number. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and any affiliation or contractual relationship it has with the individual and/or Company to whom/which this Request for Information is addressed.

6. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
7. The term "you" shall mean the addressee of this Request for Information.
8. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

ATTACHMENT B

REQUEST FOR INFORMATION

1. According to the Computer History Museum's "Guide to the Digital Equipment Corporation records," available at <https://archive.computerhistory.org/resources/access/text/finding-aids/102733963-DEC/102733963-DEC.pdf>, the Computer History Museum maintains extensive records comprising Digital Equipment Corporation's corporate archives. Please provide copies of all records concerning Digital Equipment Corporation's Puerto Rico facilities, as those records are described in Subseries 9.3, Manufacturing plant records, 1968-1989, bulk 1968-1981. (See pp. 35-36 of "Guide to the Digital Equipment Corporation records").
2. Provide copies of the records described as Box 152; Catalog Number 102737654; Aguadilla, Puerto Rico plant design and construction; 1970-1973. (See p. 205 of "Guide to the Digital Equipment Corporation records").
3. Provide copies of the following records contained in Box 153 (see p. 205 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102737663; Puerto Rico facilities design and construction memoranda; 1968-1973;
 - b. Catalog Number 102737666; San German, Puerto Rico plant and Sam P. Wallace & Company; 1969-1972; and
 - c. Catalog Number 102737667; San German, Puerto Rico plant correspondence and memoranda; 1968-1973.
4. Provide copies of the following records contained in Box 154 (see p. 206 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102737688; San German, Puerto Rico plant design and construction; 1968-1973;
 - b. Catalog Number 102737669; San German, Puerto Rico plant water supply; 1969-1973; and
 - c. Records concerning Digital Equipment Corporation Puerto Rico facilities, contained in Catalog Number 102737670; Still images of DEC manufacturing plants; ca. 1977.
5. Provide copies of the records described as Boxes 185 and 1189; Catalog Number 102737813; International facilities – Puerto Rico; 1973-1984. (See p. 235 of "Guide to the Digital Equipment Corporation records").
6. Provide copies of the records described as Box 662; Catalog Number 102755920; Facilities – Puerto Rico; ca. 1976. (See p. 348 of "Guide to the Digital Equipment Corporation records").

7. Provide copies of the records described as Box 669; Catalog Number 102756213; Production – San German, Puerto Rico, ca. 1977. (See p. 364 of “Guide to the Digital Equipment Corporation records”).
8. Provide copies of the records described as Box 717; Catalog Number 102771240; Employees at Puerto Rico facility; 1970. (See p. 448 of “Guide to the Digital Equipment Corporation records”).
9. Provide copies of the records described as Box 726; Catalog Number 102771542; Building facade and personnel working at Puerto Rico facility; 1971. (See p. 476 of “Guide to the Digital Equipment Corporation records”).
10. Provide copies of the records described as Box 728; Catalog Number 102771673; Puerto Rico facility; 1971. (See p. 486 of “Guide to the Digital Equipment Corporation records”).
11. Provide copies of the following records contained in Box 729 (see p. 491 of “Guide to the Digital Equipment Corporation records”):
 - a. Catalog Number 102771774; Exterior and aerial shots of San German facility; 1971; and
 - b. Catalog Number 102771775; Construction at the San German facility; 1971.
12. Provide copies of the records described as Box 854; Catalog Number 102758637; San German, Puerto Rico – front of DEC, map, production, 1971. (See p. 768 of “Guide to the Digital Equipment Corporation records”).
13. Provide copies of the records described as Box 861; Catalog Number 102758713; San German, Puerto Rico office; 1971. (See p. 777 of “Guide to the Digital Equipment Corporation records”).
14. Provide copies of the following records contained in Box 864 (see p. 782 of “Guide to the Digital Equipment Corporation records”):
 - a. Catalog Number 102758760; San German, Puerto Rico facility aerials and pictorials; 1971; and
 - b. Catalog Number 102758761; San German, Puerto Rico facility construction details; 1971.
15. Provide copies of the records described as Box 920; Catalog Number 102761505; Puerto Rico facilities; 1976. (See p. 879 of “Guide to the Digital Equipment Corporation records”).
16. Provide copies of the records described as Box 926; Catalog Number 102765158; Production and personnel at San German plant; 1971-1976. (See p. 913 of “Guide to the Digital Equipment Corporation records”).

17. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. The Computer History Museum's document retention policy between 1975 and 2018;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and
 - e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.
18. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
19. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of _____

County/Municipality of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

_____ day of _____ 2019.

Notary Public

COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Computer History Museum
Attn: Dan'l Lewin, President and
Chief Executive Officer
1401 N. Shoreline Blvd.
Mountain View, CA 94043



9590 9402 3172 7166 3951 67

2. Article Number (Transfer from service label)

7017 1450 0000 0133 0639

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type

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☐ Adult Signature Restricted Delivery
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☐ Collect on Delivery Restricted Delivery
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Andrea Leshak
Assistant Regional Counsel
New York Caribbean Superfund Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007